

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAREN CRAWFORD,

Plaintiff,

-against-

BRONX COMMUNITY COLLEGE;
PURYSABEL UREGAR; ALAN FUENTES;
MARTA CLARK,

Defendants.

1:22-CV-1062 (PGG)

ORDER OF SERVICE

PAUL G. GARDEPHE, United States District Judge:

Plaintiff Caren Crawford, who appears pro se, alleges that her former employer, Bronx Community College (“BCC”), as well as some of its employees, discriminated against her because of her disability and her efforts to take medical leave, as well as retaliated against her, in violation of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Family and Medical Leave Act of 1993, and the New York State and City Human Rights Laws. Plaintiff sues: (1) BCC; (2) BCC human resources official, Purysabel Uregar; (3) Plaintiff’s former supervisor, Alan Fuentes; and (4) BCC official, Marta Clark. She seeks reinstatement, reasonable accommodations for her disability, backpay, frontpay, and damages.

By order dated February 10, 2022, the court granted Plaintiff’s request to proceed in forma pauperis (“IFP”). The Court directs service on the defendants.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service. Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); see also 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals

Service to serve if the plaintiff is authorized to proceed IFP). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summons and complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint on the defendants until the Court reviewed the complaint and ordered that summonses be issued for the defendants. The Court therefore extends the time to serve the defendants with the complaint until 90 days after the date that summonses are issued for the defendants. If the complaint is not served on the defendants within that time, Plaintiff should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); see also Murray v. Pataki, 378 F. App'x 50, 52 (2d Cir. 2010) (summary order) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service of the complaint on the defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of the defendants. The Clerk of Court is further instructed to issue summonses for the defendants and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service of summonses and the complaint on the defendants.

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss this action if Plaintiff fails to do so.

CONCLUSION

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff, together with an information package.

The Court also directs the Clerk of Court to: (1) issue summonses for the defendants, (2) complete USM-285 forms with the service addresses of the defendants, and (3) deliver all documents necessary to effect service of summonses and the complaint on the defendants to the U.S. Marshals Service.

SO ORDERED.

Dated: February 17, 2022
New York, New York

A handwritten signature in black ink, reading "Paul G. Gardephe", written in a cursive style.

PAUL G. GARDEPHE
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Bronx Community College
2155 University Avenue
Bronx, New York 10453
2. Purysabel Uregar
Bronx Community College
2155 University Avenue
Bronx, New York 10453
3. Alan Fuentes
Bronx Community College
2155 University Avenue
Bronx, New York 10453
4. Marta Clark
Bronx Community College
2155 University Avenue
Bronx, New York 10453